

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

SPEECH FIRST, INC.,)
Plaintiff,)
v.)
MARK SCHLISSEL, *et al.*,)
Defendants.)

**DEFENDANTS' UNOPPOSED MOTION TO STAY OBLIGATION
TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT**

Defendants respectfully request that the Court stay their obligation to answer or otherwise file a responsive pleading with respect to Plaintiff's Complaint until Plaintiff's pending Motion for a Preliminary Injunction has been fully litigated. Plaintiff does not oppose this request.

1. Plaintiff filed its Complaint on May 8, 2018, and a Motion for a Preliminary Injunction on May 11, 2018. The Complaint and Motion raise the same constitutional challenges to policies and programs of the University of Michigan. In particular, Plaintiff argues that policies prohibiting harassing and bullying are unconstitutionally vague and overbroad and that the University's Bias Response Team violates the First Amendment.

2. Defendants filed their opposition to Plaintiff's Motion for a Preliminary Injunction on June 15, 2018, responding to Plaintiff's constitutional challenges. The opposition included a memorandum and five supporting declarations.

3. Plaintiff will file a reply in support of its Motion by June 29, 2018.

4. Meanwhile, the deadline for Defendants to answer or otherwise respond to Plaintiff's underlying Complaint is currently July 10, 2018.

5. In the interest of efficiency, Defendants respectfully request that their obligation to answer or otherwise respond to Plaintiff's underlying Complaint be stayed until Plaintiff's Motion has been fully litigated, including the resolution of any appeals by either party from this Court's ruling on the Motion.

6. Defendants' counsel have conferred with Plaintiff's counsel and Plaintiff does not oppose this request.

Respectfully Submitted,

HONIGMAN MILLER SCHWARTZ AND COHN LLP

Leonard M. Niehoff (P36696)
315 East Eisenhower Parkway
Suite 100
Ann Arbor, MI 48108
Tel: (734) 418-4254
lniehoff@honigman.com
Rian C. Dawson (P81187)
660 Woodward Avenue
2290 First National Building
Detroit, MI 48226
Tel: (313) 465-7730
rdawson@honigman.com

WILLIAMS & CONNOLLY LLP

/s/ Kevin T. Baine
Kevin T. Baine (DC 238600)
Stephen J. Fuzesi (DC 496723)
Kathryn "Kylie" Hoover (DC 1017260)
Amy B. McKinlay (DC 1034542)
725 Twelfth Street, N.W.
Washington, DC 20005
Tel: (202) 434-5000
kbaine@wc.com
sfuzesi@wc.com
khoover@wc.com
amckinlay@wc.com

OFFICE OF THE VICE PRESIDENT AND
GENERAL COUNSEL UNIVERSITY OF
MICHIGAN

Timothy G. Lynch (P77385)
David J. Masson (P37094)
Jack Bernard (P62975)
5010 Fleming Administration Building
503 Thompson Street
Ann Arbor, MI 48109
Tel: (734) 764-0305
timlynch@umich.edu
dmasson@umich.edu
bernar@umich.edu

Attorneys for Defendants

Dated: June 18, 2018

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

SPEECH FIRST, INC.,)
v.)
Plaintiff,)
) Civil No. 2:18-cv-11451-LVP-EAS
) Hon. Linda V. Parker
) Mag. Judge Elizabeth A. Stafford
MARK SCHLISSEL, *et al.*,)
Defendants.)

)

**DEFENDANTS' BRIEF IN SUPPORT OF THEIR UNOPPOSED
MOTION TO STAY OBLIGATION TO ANSWER OR OTHERWISE
RESPOND TO COMPLAINT**

For the reasons stated in Defendants' Unopposed Motion to Stay Obligation to Answer or Otherwise Respond to Complaint, Defendants respectfully request that the Court grant their motion.

Respectfully Submitted,

HONIGMAN MILLER SCHWARTZ AND
COHN LLP

Leonard M. Niehoff (P36696)
315 East Eisenhower Parkway
Suite 100
Ann Arbor, MI 48108
Tel: (734) 418-4254
lniehoff@honigman.com
Rian C. Dawson (P81187)
660 Woodward Avenue
2290 First National Building

WILLIAMS & CONNOLLY LLP

/s/ Kevin T. Baine
Kevin T. Baine (DC 238600)
Stephen J. Fuzesi (DC 496723)
Kathryn "Kylie" Hoover (DC 1017260)
Amy B. McKinlay (DC 1034542)
725 Twelfth Street, N.W.
Washington, DC 20005
Tel: (202) 434-5000
kbaine@wc.com
sfuzesi@wc.com

Detroit, MI 48226
Tel: (313) 465-7730
rdawson@honigman.com

khoover@wc.com
amckinlay@wc.com

OFFICE OF THE VICE PRESIDENT AND
GENERAL COUNSEL UNIVERSITY OF
MICHIGAN

Timothy G. Lynch (P77385)
David J. Masson (P37094)
Jack Bernard (P62975)
5010 Fleming Administration Building
503 Thompson Street
Ann Arbor, MI 48109
Tel: (734) 764-0305
timlynch@umich.edu
dmasson@umich.edu
bernar@umich.edu

Attorneys for Defendants

Dated: June 18, 2018

STATEMENT PURSUANT TO L.R. 7.1(a)

Counsel for Defendants conferred with counsel for Plaintiff. Plaintiff does not oppose the relief sought in this motion.

CERTIFICATE OF SERVICE

This is to certify that on June 18, 2018, a copy of the foregoing was electronically filed with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

/s/ Amy B. McKinlay